

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JASON J. McDONNELL,

Plaintiff,

V.

JAIL COMMANDER McCARTY, et al.,

Defendants.

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CIVIL ACTION NO.: 1:06-cv-347-MEF

AFFIDAVIT

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority for administering oaths, personally appeared **Senior Corrections Officer Sondra D. Davis** of the Houston County Sheriff's Department, who is a Senior Corrections Officer/Records Supervisor for the Houston County Jail, Houston County, Alabama, who being by me first duly sworn, deposes and says as follows:

I am Sondra D. Davis and I was at all times related the claims alleged by the plaintiff in his complaint and continue to be employed as a Senior Corrections Officer/Records Supervisor with the Houston County Sheriff's Department. My principal duties involve the administration of records in the Houston County Jail. I am also one of the custodians of records of the Houston County Jail. Unless otherwise indicated herein expressly or by the context hereof, I have personal knowledge of

the facts and information contained herein.

The plaintiff is a pretrial detainee. According to the records of the Circuit Clerk of the Twentieth Judicial Circuit Court of Houston County, Alabama ("Circuit Court Records"), the plaintiff's two criminal cases are tentatively set for trial during the August 14, 2006, term of court.

According to the Circuit Court Records and the records of the jail, the plaintiff was initially arrested on two criminal charges on or about August 23, 2004 and his bond was set at One Thousand and 00/100 Dollars (\$1,000) for each case. The plaintiff made bond and was released from the jail on August 24, 2004. According to the Circuit Court Records, the plaintiff appeared before Judge John Steensland on October 22, 2004, where he was advised of his rights and had legal counsel appointed for him.

According to the Circuit Court Records, on January 5, 2005, the plaintiff was scheduled for arraignment at which time the plaintiff through his counsel of record filed a written plea of not guilty and waiver of arraignment. The plaintiff's case was apparently set for trial on or about March 7, 2006, at which time the plaintiff failed to appear for trial. The trial judge at that time ordered a conditional forfeiture of the plaintiff's bond and ordered that an alias writ of arrest be issued for the plaintiff with bond set at Five Thousand and 00/100 Dollars (\$5,000) for each of the plaintiff's cases. On March 23, 2006, the plaintiff was arrested and incarcerated in the Houston County Jail. The plaintiff has not posted bond and remains incarcerated in the Houston County Jail. According to the Circuit Court Records and the jail's records the plaintiff's attorney of record in his criminal cases continues to be Shaun McGhee.

Pursuant to an administrative order issued by the Presiding Circuit Court Judge, the plaintiff was not scheduled for a 72-hour hearing after his arrest on March 23, 2006 as he had already been

to court and formally advised of his charges and rights. A true and correct copy of the administrative order received from the Presiding Judge of the Twentieth Judicial Circuit Court of Houston County, Alabama is attached hereto as **Exhibit A** and is incorporated herein by reference as if fully set forth.

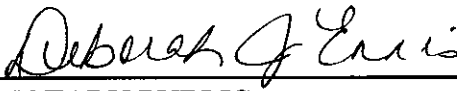
In order to comply with this court's order concerning a written report of the facts and circumstances surrounding the plaintiff's complaint, I requested and received a copy of the plaintiff's criminal court files from the circuit clerk's office in Houston County, Alabama. A true and correct copy of the file I this date received from the circuit clerk's office related to criminal case number CC2004-1880, State of Alabama v. Jason Joseph McDonnell, is attached hereto as **Exhibit B** and is incorporated herein by reference as if fully set forth. A true and correct copy of the file I this date received from the circuit clerk's office related to criminal case number CC2004-1881, State of Alabama v. Jason Joseph McDonnell, is attached hereto as **Exhibit C** and is incorporated herein by reference as if fully set forth.


SONDRA D. DAVIS

STATE OF ALABAMA,
HOUSTON COUNTY.

Before me, the undersigned authority, personally appeared **Sondra D. Davis**, who being sworn by me according to law, deposes and states that the matters and things alleged in the above Affidavit are true and correct to the best of her information, knowledge and belief.

Sworn to and subscribed before me on this the 30th day of May, 2006.

A handwritten signature in cursive script, reading "Deborah J. Ennis", is written over a horizontal line.

NOTARY PUBLIC

My Commission Expires: 12-9-08